



EXECUTIVE DEPARTMENT

EXECUTIVE ORDER NO. KBB 2005 - 52

EMERGENCY SUSPENSION OF CERTAIN WORKERS' COMPENSATION LAWS

- WHEREAS,** pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency was declared through Proclamation No. 48 KBB 2005, as amended by Proclamation No. 54 KBB 2005, and Proclamation No. 53 KBB 2005;
- WHEREAS,** Hurricane Katrina struck the southeastern part of the state of Louisiana and Hurricane Rita struck the southwestern part of the state causing severe flooding and damage which has threatened the safety, health, and security of the citizens of the state of Louisiana, along with private property and public facilities;
- WHEREAS,** Hurricane Katrina and its aftermath, and Hurricane Rita rendered over eight hundred thousand (800,000) workers, employers, healthcare professionals and workers' compensation payors displaced;
- WHEREAS,** in addition to the displaced individuals and businesses, there are thousands of individuals remaining in south Louisiana with which there has been numerous communication challenges due to the mass extended interruption of mail service, phone service and electricity;
- WHEREAS,** the evacuations, displacements and communication issues as well as the inability of workers' compensation claimants and payors and their representatives to gain access to their files has resulted in challenges to the administration of the workers' compensation system;
- WHEREAS,** R.S. 29:724, authorizes the governor during a state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules or regulation of any state agency, if strict compliance with the provision of any statute, order, rules or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;
- WHEREAS,** the secretary of the Department of Labor has requested, due to the mass displacement of claimants across our state and our nation, that portions of R.S. 23:1124 regarding consequences for failure to timely submit to a medical examination and R.S. 23:1203(A) regarding out-of-state healthcare providers be suspended;
- NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO,** Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:
- SECTION 1:** R.S. 23:1124 which suspends an employee's right to workers' compensation benefits for failure to timely submit to a medical examination is hereby suspended. The suspension shall only apply to claimants who evacuated due to Hurricane Katrina and/or Hurricane Rita and only for such time as such claimant is in evacuee status.
- SECTION 2:** R.S. 23:1203(A) is hereby suspended to the extent that such statute differentiates between in-state and out-of-state providers and facilities. The suspension shall

only apply for a claimant who evacuated to a location outside of Louisiana and for the time period that such claimant remains residing outside of Louisiana. In such instances, medical care, services and treatment shall be provided as though the provider or facility was located in Louisiana.

SECTION 3:

This Order is effective upon signature and shall apply retroactively from Monday, August 29, 2005, through Monday, October 24, 2005, unless amended, modified, terminated, or rescinded by the governor, or terminated by operation of law prior to Monday, October 24, 2005.



IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 29th day of September, 2005.

/S/ Kathleen Babineaux Blanco
GOVERNOR OF LOUISIANA

**ATTEST BY
THE GOVERNOR**

/S/ Al Ater
SECRETARY OF STATE